

SETTLEMENT AGREEMENT

Defense Distributed (“DD”), Second Amendment Foundation, Inc. (“SAF”), and Conn Williamson (collectively, “Plaintiffs,”) and the United States Department of State (“State”), the Secretary of State, the Directorate of Defense Trade Controls (“DDTC”), the Deputy Assistant Secretary, Defense Trade Controls, and the Director, Office of Defense Trade Controls Policy (collectively, “Defendants”), out of a mutual desire to resolve all of the claims in the case captioned *Defense Distributed, et al. v. Dep’t of State, et al.*, Case No. 15-cv-372-RP (W.D. Tex.) (the “Action”) without the need for further litigation and without any admission of liability, hereby stipulate and agree as follows:

Plaintiffs and Defendants do hereby settle all claims, issues, complaints, or actions described in the case captioned, and any and all other claims, complaints, or issues that have been or could have been asserted by Plaintiffs against Defendants in accordance with the following terms and conditions:

1. *Consideration:* In consideration of Plaintiffs’ agreement to dismiss the claims in the Action with prejudice as described in paragraph 2, below, Defendants agree to the following, in accordance with the definitions set forth in paragraph 12, below:

- (a) Defendants’ commitment to draft and to fully pursue, to the extent authorized by law (including the Administrative Procedure Act), the publication in the Federal Register of a notice of proposed rulemaking and final rule, revising USML Category I to exclude the technical data that is the subject of the Action.
- (b) Defendants’ announcement, while the above-referenced final rule is in development, of a temporary modification, consistent with the International

Traffic in Arms Regulations (ITAR), 22 C.F.R. § 126.2, of USML Category I to exclude the technical data that is the subject of the Action. The announcement will appear on the DDTC website, www.pmddtc.state.gov, on or before July 27, 2018.

- (c) Defendants' issuance of a letter to Plaintiffs on or before July 27, 2018, signed by the Deputy Assistant Secretary for Defense Trade Controls, advising that the Published Files, Ghost Gunner Files, and CAD Files are approved for public release (i.e., unlimited distribution) in any form and are exempt from the export licensing requirements of the ITAR because they satisfy the criteria of 22 C.F.R. § 125.4(b)(13). For the purposes of 22 C.F.R. § 125.4(b)(13) the Department of State is the cognizant U.S. Government department or agency, and the Directorate of Defense Trade Controls has delegated authority to issue this approval.
- (d) Defendants' acknowledgment and agreement that the temporary modification of USML Category I permits any United States person, to include DD's customers and SAF's members, to access, discuss, use, reproduce, or otherwise benefit from the technical data that is the subject of the Action, and that the letter to Plaintiffs permits any such person to access, discuss, use, reproduce or otherwise benefit from the Published Files, Ghost Gunner Files, and CAD Files.
- (e) Payment in the amount of \$39,581.00. This figure is inclusive of any interest and is the only payment that will be made to Plaintiffs or their counsel by Defendants under this Settlement Agreement. Plaintiffs' counsel will provide Defendants'

counsel with all information necessary to effectuate this payment.

The items set forth in subparagraphs (a) through (e) above constitute all relief to be provided in settlement of the Action, including all damages or other monetary relief, equitable relief, declaratory relief, or relief of any form, including but not limited to, attorneys' fees, costs, and/or relief recoverable pursuant to 2 U.S.C. § 1302, 2 U.S.C. § 1311, 2 U.S.C. § 1317, 22 U.S.C. § 6432b(g), 28 U.S.C. § 1920, Fed. R. Civ. P. 54(d), and the Local Rules.

2. *Dismissal with Prejudice:* At the time of the execution of this Settlement Agreement, Plaintiffs agree to have their counsel execute and provide to Defendants' counsel an original Stipulation for Dismissal with Prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(a)(1)(B). Counsel for Defendants agree to execute the stipulation and file it with the Court in the Action, no sooner than 5 business days after the publication of the announcement described in Paragraph 1(b) of this Settlement Agreement and issuance of the letter described in Paragraph 1(c) of this Settlement Agreement. A copy of the Stipulation for Dismissal with Prejudice is attached hereto.

3. *Release:* Plaintiffs, for themselves and their administrators, heirs, representatives, successors, or assigns, hereby waive, release and forever discharge Defendants, and all of their components, offices or establishments, and any officers, employees, agents, or successors of any such components, offices or establishments, either in their official or

individual capacities, from any and all claims, demands and causes of action of every kind, nature or description, whether currently known or unknown, which Plaintiffs may have had, may now have, or may hereafter discover that were or could have been raised in the Action.

4. *No Admission of Liability:* This Settlement Agreement is not and shall not be construed as an admission by Defendants of the truth of any allegation or the validity of any claim asserted in the Action, or of Defendants' liability therein. Nor is it a concession or an admission of any fault or omission in any act or failure to act. Nor is it a concession or admission as to whether the monetary or equitable relief, attorneys' fees, costs, and expenses sought by Plaintiffs in the Action, are reasonable or appropriate. None of the terms of the Settlement Agreement may be offered or received in evidence or in any way referred to in any civil, criminal, or administrative action other than proceedings permitted by law, if any, that may be necessary to consummate or enforce this Settlement Agreement. The terms of this Settlement Agreement shall not be construed as an admission by Defendants that the consideration to be given hereunder represents the relief that could be recovered after trial. Defendants deny that they engaged in *ultra vires* actions, deny that they violated the First Amendment, Second Amendment, or Fifth Amendment of the United States Constitution, and maintain that all of the actions taken by Defendants with respect to Plaintiffs comply fully with the law, including the United States Constitution.

5. *Merger Clause:* The terms of this Settlement Agreement constitute the entire agreement of Plaintiffs and Defendants entered into in good faith, and no statement, remark, agreement or understanding, oral or written, which is not contained therein, shall be recognized or enforced. Plaintiffs acknowledge and agree that no promise or representation not contained in this Settlement Agreement has been made to them and they acknowledge and represent that this Settlement Agreement contains the entire understanding between Plaintiffs and Defendants and contains all terms and conditions pertaining to the compromise and settlement of the disputes referenced herein. Nor does the Parties' agreement to this Settlement Agreement reflect any agreed-upon purpose other than the desire of the Parties to reach a full and final conclusion of the Action, and to resolve the Action without the time and expense of further litigation.
6. *Amendments:* This Settlement Agreement cannot be modified or amended except by an instrument in writing, agreed to and signed by the Parties, nor shall any provision hereof be waived other than by a written waiver, signed by the Parties.
7. *Binding Successors:* This Settlement Agreement shall be binding upon and inure to the benefit of Plaintiffs and Defendants, and their respective heirs, executors, successors, assigns and personal representatives, including any persons, entities, departments or agencies succeeding to the interests or obligations of the Parties.

8. *Consultation with Counsel:* Plaintiffs acknowledges that they have discussed this Settlement Agreement with their counsel, who has explained these documents to them and that they understand all of the terms and conditions of this Settlement Agreement. Plaintiffs further acknowledge that they have read this Settlement Agreement, understand the contents thereof, and execute this Settlement Agreement of their own free act and deed. The undersigned represent that they are fully authorized to enter into this Settlement Agreement.
9. *Execution:* This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together constitute one and the same instrument, and photographic copies of such signed counterparts may be used in lieu of the original.
10. *Jointly Drafted Agreement:* This Settlement Agreement shall be considered a jointly drafted agreement and shall not be construed against any party as the drafter.
11. *Tax and Other Consequences:* Compliance with all applicable federal, state, and local tax requirements shall be the sole responsibility of Plaintiffs and their counsel. Plaintiffs and Defendants agree that nothing in this Settlement Agreement waives or modifies federal, state, or local law pertaining to taxes, offsets, levies, and liens that may apply to this

Settlement Agreement or the settlement proceeds, and that Plaintiffs are executing this Settlement Agreement without reliance on any representation by Defendants as to the application of any such law.

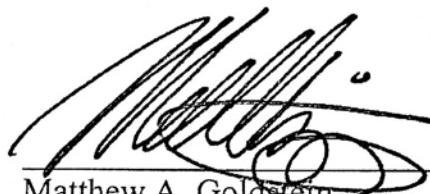
12. *Definitions:* As used in this Settlement Agreement, certain terms are defined as follows:

- The phrase “*Published Files*” means the files described in paragraph 25 of Plaintiffs’ Second Amended Complaint.
- The phrase “*Ghost Gunner Files*” means the files described in paragraph 36 of Plaintiffs’ Second Amended Complaint.
- The phrase “*CAD Files*” means the files described in paragraph 40 of Plaintiffs’ Second Amended Complaint.
- The phrase “*Other Files*” means the files described in paragraphs 44-45 of Plaintiffs’ Second Amended Complaint.
- The phrase “*Military Equipment*” means (1) Drum and other magazines for firearms to .50 caliber (12.7 mm) inclusive with a capacity greater than 50 rounds, regardless of jurisdiction of the firearm, and specially designed parts and components therefor; (2) Parts and components specially designed for conversion of a semi-automatic firearm to a fully automatic firearm; (3) Accessories or attachments specially designed to automatically stabilize aim (other than gun rests) or for automatic targeting, and specially designed parts and components therefor.
- The phrase “*technical data that is the subject of the Action*” means: (1) the Published Files; (2) the Ghost Gunner Files; (3) the CAD Files; and (4) the Other Files insofar as those files regard items exclusively: (a) in Category I(a) of the United States Munitions List (USML), as well as barrels and receivers covered by Category I(g) of the USML that are components of such items; or (b) items

covered by Category I(h) of the USML solely by reference to Category I(a),
excluding Military Equipment.

Dated: June 29, 2018

Dated: June 29, 2018



Matthew A. Goldstein
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One South Church Ave. Ste. 1500
Tucson, Arizona 85701
Counsel for Plaintiffs

Dated: June 29, 2018



Eric J. Soskin
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Counsel for Defendants

 An official website of the United States government

MENU

U.S. DEPARTMENT OF STATE

Directorate of Defense Trade Controls

DDTC Mission:

Ensuring commercial exports of defense articles and defense services are consistent with U.S. national security and foreign policy objectives.

Provide Feedback

Learn About Export Regulations

Read about the laws and regulations that govern Defense Trade, including the Arms Export Control Act (AECA), the ITAR, and the United States Munitions List (USML).

Find out if you need to Register

Review the ITAR

Request a Commodity Jurisdiction (CJ)

Export Your Goods/Services

Access the ways you conduct Defense Trade activities, including Registration, Licenses, Agreements, and
https://www.pmdtct.state.gov/?id=ddtc_public_portal_homepage

their associated online systems.

Register your Business

Go to DTrade Portal

Apply for Licenses or Agreements

Access DTAS & DECCS Systems

Get Help from DDTC

Learn all the ways we can help you or your organization to meet any of your specific needs with regards to conducting Defense Trade.

Contact Us

Review FAQs

DDTC Outreach Opportunities

Provide Feedback

The Defense Trade Advisory Group (DTAG)

Providing a formal channel for regular consultation and coordination with U.S. private sector defense exporters and defense trade specialists.

[Learn about DTAG](#)

[See the latest from DTAG](#)

Announcements

Upcoming

DOSWASHINGTONSUP00010

https://www.pmddtc.state.gov/?id=ddtc_public_portal_homepage

EVENT: IN-HOUSE SEMINARS

08/10/18 - 09/19/18

DDTC In-House Seminar

Registration for The Directorate of Defense Trade Controls (DDTC) In-House Seminar for Wednesday, September 19th, 2018 opens August 10th and closes August 31st. Attendees will be identified on a first-come, first-serve basis. Preference will be given to new registrants and small-businesses. A completed registration form must be sent to the DDTC In-House Seminar email, as an attachment, DDTCInHouseSeminars@state.gov.

For more information, please visit the DDTC Outreach Programs page and click the "In-House Seminars" tab.

Today

NOTICE: GENERAL

07/27/18

Temporary Modification of Category I of the United States Munitions List

Consistent with the International Traffic in Arms Regulations (ITAR), 22 C.F.R. § 126.2, the Acting Deputy Assistant Secretary for Defense Trade Controls has determined that it is in the interest of the security and foreign policy of the United States to temporarily modify United States Munitions List (USML) Category I to exclude the following technical data identified in the Settlement Agreement for the matter of Defense Distributed, et al., v. U.S. Department of State, et al, Case No. 15-cv-372-RP (W.D. Tex.) (hereinafter “Defense Distributed”):

- “Published Files,” i.e., the files described in paragraph 25 of the Second Amended Complaint in Defense Distributed.
- “Ghost Gunner Files,” i.e., the files described in paragraph 36 of the Second Amended Complaint in Defense Distributed.
- “CAD Files,” i.e., the files described in paragraph 40 of the Second Amended Complaint in Defense Distributed.
- “Other Files,” i.e., the files described in paragraphs 44-45 of the Second Amended Complaint in Defense Distributed, insofar as those files regard items exclusively: (a) in Category I(a) of the

USML, as well as barrels and receivers covered by Category I(g) of the USML that are components of such items; or (b) items covered by Category I(h) of the USML solely by reference to Category I(a), excluding Military Equipment. Military Equipment means (1) Drum and other magazines for firearms to .50 caliber (12.7 mm) inclusive with a capacity greater than 50 rounds, regardless of jurisdiction of the firearm, and specially designed parts and components therefor; (2) Parts and components specially designed for conversion of a semi-automatic firearm to a fully automatic firearm; (3) Accessories or attachments specially designed to automatically stabilize aim (other than gun rests) or for automatic targeting, and specially designed parts and components therefor.

This temporary modification will remain in effect while the final rule referenced in paragraph 1(a) of the Settlement Agreement is in development.

Please see the Settlement Agreement [insert relevant hyperlink] and the Second Amended Complaint [insert relevant hyperlink] for additional information.

NOTICE

05/31/18 - 08/31/18

Temporary Extension on May 31, 2018 and June 30, 2018 Expirations

DDTC has determined that a system issue prevented registration reminder letters for Tier 1 registrants with expirations of May 31, 2018 and June 30, 2018 from being sent out at least 60 days prior to expiration. The issue has been resolved. To ensure registrants are not adversely affected, DDTC has temporarily extended May 31, 2018, expirations to July 31, 2018, and June 30, 2018, expirations to August 31, 2018. Please note that registration submissions still need to be made at least 30 days in advance of the expiration of the temporary extension to ensure a lapse in registration does not occur. Properly renewed registrations affected by this issue will reflect either a May or June 2019 expiration, unless a lapse occurs. Questions regarding registration status as a result of this issue should be directed to the DDTC Response Team.

Previous

NOTICE: GENERAL

07/25/18

Public Comments on USML Categories I-III

DOSWASHINGTONSUP00012

Public Comments on USML Categories I-III (PDF, 7744KB)

FEDERAL REGISTER: PUBLIC COMMENT

06/25/18

83 FR 29599 – 30-Day Notice of Proposed Information Collection: Maintenance of Records by DDTC Registrants

The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

83 FR 29599 (PDF, 194KB)

FEDERAL REGISTER: PUBLIC COMMENT

06/25/18

83 FR 29598 – 30-Day Notice of Proposed Information Collection: Request for Approval of Manufacturing License Agreements, Technical Assistance Agreements, and Other Agreements

The Department of State has submitted the information collection described below to the Office of Management of Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

83 FR 29598 (PDF, 204KB)

FEDERAL REGISTER: PUBLIC COMMENT

06/13/18

Public comments received on the Notice of Inquiry; Request for Comments Regarding Review of U.S. Munitions List Categories V, X, and XI (04.13.18)

Public Comments regarding USML Categories V, X, and XI

DOSWASHINGTONSUP00013

FEDERAL REGISTER: PUBLIC COMMENT

06/13/18

**83 FR 27362 – 30-Day Notice of Proposed Information Collection:
Six DDTCA Information Collections**

The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

83 FR 27362 (PDF, 195KB)

NOTICE

06/01/18 - 06/03/18

Industry Notice

The DTAS information systems will be unavailable from 6:00 PM June 1st, 2018 through 1:00 PM June 3rd, 2018 for a scheduled power outage. The DTAS systems will be available June 3rd, 2018 after 12:00 PM.

The PMDDTC.state.gov homepage and CJ application will remain available throughout the outage. DTrade, MARY and EFS will be unavailable during the outage.

FEDERAL REGISTER: DTAG ANNOUNCEMENT

05/31/18

Renewal of Defense Trade Advisory Group Charter

The Department of State announces the renewal of the Charter for the Defense Trade Advisory Group (DTAG). The DTAG advises the Department on its support for and regulation of defense trade to help ensure the foreign policy and national security of the United States continue to be protected and advanced, while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of U.S. friends and allies. It is the only Department of State advisory committee that addresses defense trade related topics. The DTAG will remain in existence for two years after the filing date of the Charter unless terminated sooner.

83 FR 25102 (PDF, 167KB)

NOTICE

05/25/18

Proposed Amendment to International Traffic in Arms Regulations

The Department of State proposes to amend the International Traffic in Arms Regulations to revise Categories I (firearms, close assault weapons and combat shotguns), II (guns and armament) and III (ammunition and ordnance) of the U.S. Munitions List (USML) to describe more precisely the articles warranting export and temporary import control on the USML. Items removed from the USML would become subject to the Export Administration Regulations (EAR).

83 FR 24198 (PDF, 238KB)

Federal Register

The Department of Commerce proposes to amend the Export Administration Regulations to describe how the items that transfer to the EAR will be controlled.

83 FR 24166 (PDF, 372KB)

Federal Register

Key Points of Proposed Transfer

Myths and Facts

NOTICE

05/21/18

Oculus Info Inc. to Uncharted Software Inc. Name Change

PDF, 188KB

NOTICE

05/21/18

Quyntess BV Address Change

PDF, 326KB

NOTICE

05/14/2018 WASHINGTONSUP00015

https://www.pmdtc.state.gov/?id=ddtc_public_portal_homepage

Provide Feedback

Proposed Amendment to International Traffic in Arms Regulations

The Department of State proposes to amend the International Traffic in Arms Regulations to revise Categories I (firearms, close assault weapons and combat shotguns), II (guns and armament) and III (ammunition and ordnance) of the U.S. Munitions List (USML) to describe more precisely the articles warranting export and temporary import control on the USML. Items removed from the USML would become subject to the Export Administration Regulations (EAR). Cat I-III Combined PR - FRN FINAL.PDF

The Department of Commerce proposes to amend the Export Administration Regulations to describe how the items that transfer to the EAR will be controlled. 05.4.18 Signed Commerce firearms proposed rule for sending to OFR for publication.PDF

NOTICE

04/25/18 - 05/11/18

FLIR Systems, Inc. Consent Agreement Has Been Posted

[Click here to view Penalties and Oversight Agreements.](#)

NOTICE: DTAG

03/22/18 - 05/10/18

Defense Trade Advisory Group; Notice of Open Meeting

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, May 10, 2018 at 1777 F Street NW, Washington, DC 20006. Entry and registration will begin at 12:30 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to discuss current defense trade issues and topics for further study.

83 FR 12636 (PDF, 209KB)

NOTICE

DOSWASHINGTONSUP00016

Fokker Engineering Romania address change web notice

PDF, 143KB

NOTICE

05/07/18

Goodrich Actuation Systems SAS address change web notice

PDF, 247KB

REPORT: SECTION 655 ANNUAL MILITARY ASSISTANCE

05/07/18

2017 Section 655 Report

2017 Section 655 Report (PDF, 455KB)

NOTICE

05/07/18

Airbus DS Electronics and Border Security SAS name change web notice

PDF, 7KB

NOTICE: GENERAL

04/27/18 - 05/04/18

Website Redesign Launch

The Directorate of Defense Trade Controls (DDTC) is pleased to announce the launch of its redesigned website on Monday, April 30th. The updated website features a number of significant enhancements including improved navigation, searchability, and accessibility, with a consistent, full-featured experience across mobile devices. Additional planned updates to DDTC's website will continue as part of a broader Department of State effort to improve www.State.gov and to facilitate a more consistent user experience across Department sites.

DDTC staff will be available throughout the launch of the redesigned website to answer any questions users may have. Please contact (202) 663-1282 or DDTCResponseTeam@state.gov for assistance. Thank you!

NOTICE: LEADERSHIP

04/25/18

DDTC Leadership Change

This is an update to the leadership announcements posted on December 10 and 26, 2017. Effective April 23, 2018 the below leadership changes in DDTC were made. The web phone roster has been updated as well.

DDTC Management Function:

Mr. Anthony Dearth has been selected as the new DDTC Chief of Staff

Policy:

Ms. Sarah Heidema has been selected as the new Director of Policy

Licensing:

Ms. Catherine Hamilton has been selected as the new Director of Licensing

Mr. Terry Davis returns to his role as the Deputy Director of Licensing

Mr. Jonathan Dennis and Ms. Yolanda Gantlin will co-lead the Space, Missile, and Sensor Systems Division until a permanent replacement is identified

Compliance:

Mr. Jae Shin has been selected as the new Chief of the Compliance and Civil Enforcement Team effective April 29, 2018

Provide Feedback

As a reminder, the following DDTC Acting positions are still effective:

Licensing:

Mr. Alex Douville and Mr. Pete Walker continue to co-lead the Light Weapons Division.

DOS WASHINGTON SUP00018

Policy:

Acting Policy Deputy Director, Mr. Rick Koelling, also serves as Acting Division Chief for the Regional Affairs and Analysis (RAA) Division.

Mr. Nick Memos continues to serve as Acting Division Chief for the Commodity Jurisdiction and Classification (CJC) Division.

Mr. Robert Hart continues to serve as Acting Division Chief for the Regulatory and Multilateral Affairs (RMA) Division.

NOTICE: LICENSING

04/25/18

U.S. Conventional Arms Transfer Policy

CAT policy.pdf

FEDERAL REGISTER: QUARTERLY FEDERAL REGISTER NOTICES

04/25/18

83 FR 18112 – Public Notice; Bureau of Political-Military Affairs, Statutory Debarment Under the Arms Export Control Act and the International Traffic in Arms Regulations

Notice is hereby given that the Department of State has imposed statutory debarment under the International Traffic in Arms Regulations (“ITAR”) on persons convicted of violating, or conspiracy to violate, Section 38 of the Arms Export Control Act (AECA).

[83 FR 18112 \(PDF, 209KB\)](#)

[Click here to see the updated list of Statutorily Debarred Parties.](#)

NOTICE

04/12/18

DOSWASHINGTONSUP00019

Industry Feedback on Electronic Disclosures (DS-7787)

DDTC is developing an electronic version of the current DS-7787: Disclosure of Violations of the Arms Export Control Act form, also known as Disclosures. As an alternative to paper and mail, the online version will allow Industry personnel to submit Disclosures directly through DDTC's Defense Export Compliance and Control System (DECCS). In an effort to improve this electronic form, DDTC is enabling a test version of the new online process for Industry feedback between April 16, 2018 – April 30, 2018, prior to it being publicly available online. If you are interested in participating, please visit <https://pmddtcqa.service-now.com/um/> for more information on how to access and use the test version. Once you have completed testing, you can submit feedback or comments through the Provide feedback button.

NOTICE

04/11/18

Korada B.V. address change web notice

PDF, 143KB

NOTICE

04/11/18

Expeditors International B.V. Address change web notice

PDF, 143KB

FEDERAL REGISTER: QUARTERLY FEDERAL REGISTER NOTICES

04/05/18

83 FR 14705 – Public Notice; Notifications of Proposed Export Licenses to the Congress

Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments. Applicable Date: As shown on each of the 39 letters.

83 FR 14705 (PDF, 205KB)

DOSWASHINGTONSUP00020

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State Department Daily Press Briefing

Other State Department News



Directorate of Defense Trade Controls

Provide Feedback



United States Department of State
Bureau of Political-Military Affairs
Directorate of Defense Trade Controls
Washington, D.C. 20522-0112

July 27, 2018

Mr. Cody R. Wilson, Defense Distributed, and Second Amendment Foundation, Inc.
c/o Mr. Matthew A. Goldstein
Snell & Wilmer
One South Church Avenue
Suite 1500
Tucson, AZ 85701-1630

RE: Directorate of Defense Trade Controls Approval of Certain Files for Public Release

Dear Mr. Wilson, Defense Distributed, and Second Amendment Foundation, Inc.:

This letter is provided in accordance with section 1(c) of the Settlement Agreement in the matter of *Defense Distributed, et al., v. U.S. Department of State, et al.*, No. 15-cv-372-RP (W.D. Tx.) (hereinafter referred to as “*Defense Distributed*”). As used in this letter,

- The phrase “Published Files” means the files described in paragraph 25 of Plaintiffs’ Second Amended Complaint in *Defense Distributed*.
- The phrase “Ghost Gunner Files” means the files described in paragraph 36 of Plaintiffs’ Second Amended Complaint in *Defense Distributed*.
- The phrase “CAD Files” means the files described in paragraph 40 of Plaintiffs’ Second Amended Complaint in *Defense Distributed*.

The Department understands that Defense Distributed submitted the Published Files, Ghost Gunner Files, and CAD Files to the Department of Defense’s Defense Office of Prepublication and Security Review (DOPSR) in 2014 to request review for approval for public release pursuant to International Traffic in Arms Regulations (ITAR) § 125.4(b)(13). It is our further understanding that DOPSR did not make a determination on the eligibility of these files for release, but instead referred you to the Directorate of Defense Trade Controls (DDTC) regarding public release of these files.

I advise you that for the purposes of ITAR § 125.4(b)(13), the Department of State is a cognizant U.S. government department or agency, and DDTC has authority to issue the requisite approval for public release. To that end, I approve the Published Files, Ghost Gunner Files, and CAD Files for public release (i.e., unlimited distribution). As set forth in ITAR § 125.4(b)(13), technical data approved for public release by the cognizant U.S. government department or agency is not subject to the licensing requirements of the ITAR.

Sincerely,



Acting Deputy Assistant Secretary for the
Directorate of Defense Trade Controls